

United States District Court

Western District of Wisconsin

UNITED STATES OF AMERICA

AMENDED JUDGMENT IN A CRIMINAL CASE

(for offenses committed on or after November 1, 1987)

RE-SENTENCING

V.

Case Number: 08-CR-51-C-01

JOHN JACQUES

Defendant's Attorney: William Jones

The defendant, John Jacques, pleaded guilty to count 1 of the indictment.

ACCORDINGLY, the court has adjudicated defendant guilty of the following offense(s):

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18 U.S.C. § 2252(a)(4)(B)	Possession of Child Pornography, a Class C felony	November 29, 2007	1

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States Attorney of any material change in the defendant's economic circumstances.

Defendant's Date of Birth:	February 23, 1951	August 10, 2010
Defendant's USM No.:	06637-090	Date of Imposition of Judgment
Defendant's Residence Address:	Transient	/s/ Barbara B. Crabb
Defendant's Mailing Address:	c/o Bureau of Prisons	Barbara B. Crabb District Judge
		August 11, 2010
		Date Signed:

IMPRISONMENT

As to the one-count indictment, it is adjudged that defendant is committed to the custody of the Bureau of Prisons for imprisonment for a term of 78 months. Defendant's past behavior portends a high likelihood of continuing engagement in conduct involving sexual exploitation of children. Defendant presents a significant danger to the community. Therefore, this sentence is to run consecutively to his undischarged term of imprisonment imposed on defendant on May 5, 2008, in La Crosse County, Wisconsin, Circuit Court Case No. 07CF734.

I recommend that the Bureau of Prisons undertake a mental health evaluation of defendant, identifying his sexual orientation and predatory risk, within one year of his commitment to prison and provide the results to the U.S. Probation Office in this district.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

By _____
UNITED STATES MARSHAL
Deputy Marshal

SUPERVISED RELEASE

The term of imprisonment is to be followed by a life term of supervised release.

Defendant shall report to the probation office in the district to which defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

Defendant shall not commit another federal, state, or local crime.

Defendant shall not illegally possess a controlled substance.

If defendant has been convicted of a felony, defendant shall not possess a firearm, destructive device, or other dangerous weapon while on supervised release.

Defendant shall cooperate with the collection of DNA by the U.S. Justice Department and/or the U.S. Probation and Pretrial Services Office as required by Public Law 108-405.

If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in the Financial Penalties sheet of this judgment.

Defendant shall comply with the standard conditions that have been adopted by this court (set forth on the next page).

A life term of supervised release was imposed to follow the term of imprisonment. In light of the nature of the offense and defendant's history and characteristics, including his history of posting nude images of himself online for juveniles, his history of transmitting adult pornography images to juveniles, his rehabilitative needs and the need to protect the community, special conditions four and ten of the original judgment dated March 18, 2009, shall be amended as follows:

(4) Defendant shall not possess any materials depicting sexually explicit conduct as defined in 18 U.S.C. § 2256(2), including pictures, photographs, books, drawings, videos, video games and child pornography, as defined in 18 U.S.C. § 2256(8).

(10) Defendant shall undergo a psychosexual evaluation, which may involve use of polygraph and plethysmograph examinations, as directed by the supervising probation officer, and is to participate in an outpatient sex offender counseling program and comply with all treatment conditions as recommended by the evaluator.

In all other respects, the judgment remains as entered on March 18, 2009.

In light of the nature of the offense and defendant's history of mental health problems and substance abuse, the following special conditions are appropriate. Defendant is to:

1. Submit to electronic monitoring for the first 365 days of supervised release using the Global Positioning System (GPS) monitoring or similar technology;
2. Provide the supervising U.S. probation officer advance notification of any devices associated with or falling within the general category of information technology that produce, manipulate, store, communicate or disseminate information and that he will use during the term of supervision. The probation office is authorized to install any application as necessary on any such devices owned or operated by defendant and shall randomly monitor those devices. Defendant shall consent to and cooperate with unannounced examinations of any technological equipment he owns or uses, including but not limited to retrieval and copying of all data from all information technology devices and any internal or external peripherals. The examinations may involve removal of such equipment for the purpose of conducting examinations;
3. Not possess any visual or audio recording devices;
4. Not possess any materials depicting sexually explicit conduct as defined in 18 U.S.C. § 2256(2), including pictures, photographs, books, drawings, videos, video games and child pornography, as defined in 18 U.S.C. § 2256(8) (AMENDED);

5. Not enter any establishment involved in the sex industry, including stores, massage parlors, and strip clubs. Defendant shall not utilize any sex-related adult services. The supervising U.S. probation officer is authorized to monitor compliance in this area by obtaining telephone records, credit card bills and credit reports;
6. Not own, use or have access to the services of any commercial mail-receiving agency or open or maintain a post office box without the prior approval of the supervising U.S. probation officer;
7. Not associate with any person under the age of 18 or have verbal, written, telephonic or electronic communication with any such person, except with the express permission of the minor's parent or legal guardian and the supervising U.S. probation officer. This provision does not include persons under the age of 18, such as waiters, cashiers, ticket vendors, etc., with whom defendant must deal in order to obtain ordinary and usual commercial services;
8. Not work in any occupation, business or profession, or participate in any volunteer activity where he has access to children under the age of 18 without the prior approval of the supervising U.S. probation officer;
9. Comply with any local, state and federal sex offender registration requirements as directed by the supervising U.S. probation officer;
10. Undergo a psychosexual evaluation, which may involve use of polygraph and plethysmograph examinations, as directed by the supervising probation officer, and is to participate in an outpatient sex offender counseling program and comply with all treatment conditions as recommended by the evaluator (*AMENDED*);
11. Abstain from the use of alcohol and illegal drugs and from association with drug users and sellers and participate in substance abuse treatment. Defendant shall submit to drug testing beginning within 15 days of his release and 60 drug tests annually thereafter. The probation office may utilize the Administrative Office of the U.S. Courts' phased collection process; and
12. Participate in mental health referral, assessment and treatment as approved by the supervising U.S. probation officer and comply with all rules, regulations and recommendations of the mental health agency or its representative to the extent approved by the supervising U.S. probation officer. Defendant shall take any medications prescribed by a licensed medical provider. Defendant shall be required to obtain his own funding for services.

STANDARD CONDITIONS OF SUPERVISION

- 1) Defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) Defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) Defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) Defendant shall support his or her dependents and meet other family responsibilities;
- 5) Defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) Defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances except as prescribed by a physician;
- 8) Defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) Defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) Defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) Defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) Defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) As directed by the probation officer, defendant shall notify third parties of risks that may be occasioned by defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm defendant's compliance with such notification requirement.

CRIMINAL MONETARY PENALTIES

Defendant shall pay the following total financial penalties in accordance with the schedule of payments set forth below.

<u>Count</u>	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
1	\$100.00	\$0.00	\$0.00
Total	\$100.00	\$0.00	\$0.00

It is adjudged that defendant is to pay a \$100 criminal assessment penalty to the Clerk of Court for the Western District of Wisconsin immediately following sentencing.

Defendant does not have the means to pay a fine under § 5E1.2(c) without impairing his ability to pay the mandatory restitution and to support himself upon release.

SCHEDULE OF PAYMENTS

Payments shall be applied in the following order:

- (1) assessment;
- (2) restitution;
- (3) fine principal;
- (4) cost of prosecution;
- (5) interest;
- (6) penalties.

The total fine and other monetary penalties shall be due in full immediately unless otherwise stated elsewhere.

Unless the court has expressly ordered otherwise in the special instructions above, if the judgment imposes a period of imprisonment, payment of monetary penalties shall be due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of court, unless otherwise directed by the court, the probation officer, or the United States Attorney.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

In the event of a civil settlement between victim and defendant, defendant must provide evidence of such payments or settlement to the Court, U.S. Probation office, and U.S. Attorney's office so that defendant's account can be credited.